



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

12

3/21/03

B. Ross

In re the application of:

Marlin

Serial No.: 09/704,771

Group: 3712

Filed: 11/03/2000

Examiner: Miller, B

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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RESPONSE

Madam:

Please note that all correspondence should go to the address of the undersigned attorney, said address being:

2120 L Street, N.W.
Suite 210
Washington, D.C. 20037

This is a response to the Office Action mailed 12/18/2002 for which a continuing application was filed. Applicant requests an interview.

RESPONSE

Applicant, through his attorney, note that the claims are directed to a product or composition claim. As such, all elements of the claimed product are to be examined in light of the elements claimed, looking at the entire invention.

The prior Office Action stated that "Starr teaches in figures 1-6 most of the elements of the

claimed invention, including a single unitary piece of material having memory (24), a coiled section (fig. 5), and a handle section (22).”

Applicant strongly disagrees. The handle in Star is a flat wooden paddle to which a coil is perpendicularly attached.

In contrast, the handle in the present invention, is, as stated in the claims, is integral with the helical section, comprising a straight section of the helical wire, which extends outwardly from said helical section. In other words, the handle is part of the same material comprising the helical wire, but is straightened and extends away from the helical section.

This contrast greatly with the wooden handle of Starr.

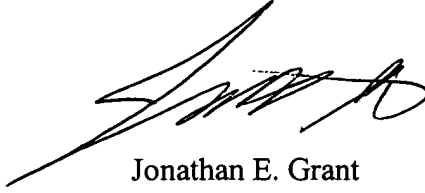
The differences between Starr and the present invention are evident in the way the toy functions. As shown in the attached video, the handle of the present invention allows the device to “flicked” around wrists, chairs, brooms, and other objects. Items can be pulled, twirled, etc. using this device.

These same maneuvers cannot be accomplished. using a handle as described in the invention. This is best illustrated in the attached video.

The application is now in condition for allowance.

Please call or fax me at (301) 603-9071 if you have any questions or comments.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Jonathan E. Grant', is positioned above the printed name.

Jonathan E. Grant
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